87-1709

Supreme Court, U.S.
FILED
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JOSEPH F. SPANIOL, JR.
CLERK

NO. _____

IN THE

Supreme Court of the United States

OCTOBER TERM, 1987

JOHN MICHAEL TEUBNER and
VICTORIA ANITA TEUBNER,
Petitioners

v.

THE STATE OF TEXAS,
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE FOURTEENTH SUPREME JUDICIAL DISTRICT OF TEXAS

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QUESTION PRESENTED FOR REVIEW

I.

WHETHER SECTION 22.04(a)(4) OF THE TEXAS PENAL CODE, WHICH DEFINES THE OFFENSE OF INJURY TO A CHILD BY INFLICTION "BODILY INJURY," WHICH IN TURN UNDER SECTION 1.07 (a)(7) OF THE TEXAS PENAL CODE "MEANS PHYSICAL PAIN, ILLNESS, OR ANY IMPAIRMENT OF PHYSICAL CONDITION," IS AS APPLIED TO A PARENT OR PERSON ACTING IN PLACE OF A PARENT WHO ADMINISTERS CORPORAL PUNISHMENT TO A CHILD UNCONSTITUTIONAL AS IN VIOLATION OF THE FAIR NOTICE REQUIREMENTS OF DUE PROCESS OF LAW AS GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

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NO. _____

IN THE

Supreme Court of the United States

OCTOBER TERM, 1987

JOHN MICHAEL TEUBNER and
VICTORIA ANITA TEUBNER,
Petitioners

v.

THE STATE OF TEXAS,
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE FOURTEENTH SUPREME JUDICIAL DISTRICT OF TEXAS

Petitioners pray that a writ of certiorari issue to review the judgment of the Court of Appeals for the Fourteenth Supreme Judicial District of Texas entered on October 29, 1987. No Motion for Rehearing was filed. A Petition for Discretionary Review on behalf of each Petitioner herein was filed with the Court of Criminal Appeals of Texas, and denied as to each Petitioner on February 17, 1988.

CITATION TO OPINION BELOW

The opinion of the Court of Appeals for the Fourteenth Supreme Judicial District of Texas herein is reported at 742 S.W.2d 57, and appears in the Appendix, Exhibit A.

JURISDICTIONAL GROUNDS

The Court of Appeals for the Fourteenth Supreme Judicial District of Texas affirmed the judgment of conviction as to each Petitioner herein by written opinion dated October 29, 1987. No Motion for Rehearing was filed with the Court of Appeals; however, a Petition for Discretionary Review was as to each Petitioner timely filed with the Court of Criminal Appeals of Texas, and said Petitions for Discretionary Review were refused by the Court of Criminal Appeals of Texas on February 17, 1988. Appendix, Exhibit B. This Petition was filed within 60 days of that date. This Court's jurisdiction is invoked under 28 U.S.C., Section 1257(3).

CONSTITUTIONAL PROVISIONS AND STATUTES

Constitution, Amendment 14, Section 1:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of law.

Texas Penal Code, Section 1.07(a)(7):

§ 1.07. Definitions

(a) In this code:

* * *

(7) "Bodily injury" means physical pain, illness, or any impairment of physical condition.

Texas Penal Code, Section 1.07(a)(34):

§ 1.07. Definitions

(1) In this code:

* * *

(34) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Texas Penal Code, Section 9.61:

§ 9.61. Parent-Child

(a) The use of force, but not deadly force, against a child younger than 18 years is justified:

(1) if the actor is the child's parent or stepparent or is acting in loco parentis to the child; and

(2) when and to the degree the actor reasonably believes the force is necessary to discipline the child or to safeguard or promote his welfare.

(b) For purposes of this section, "in loco parentis" includes grandparent and guardian, any person acting by, through, or under the direction of a court

with jurisdiction over the child, and anyone who has express or implied consent of the parent or parents.

Texas Penal Code, Section 22.04:

§ 22.04. Injury to a Child or an Elderly Individual

(a) A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that causes to a child who is 14 years of age or younger or to an individual who is 65 years of age or older:

(1) serious bodily injury;

(2) serious physical or mental deficiency or impairment;

(3) disfigurement or deformity; or

(4) bodily injury.

(b) An offense under Subsection (a)(1), (2), or (3) of this section is a felony of the first degree when the conduct is committed intentionally or knowingly. When the conduct is engaged in recklessly it shall be a felony of the third degree.

(c) An offense under Subsection (1)(4) of this section is a felony of the third degree when the conduct is committed intentionally or knowingly. When the conduct is engaged in recklessly it shall be a Class A misdemeanor.

(d) An offense under Subsection (a) of this section when the person acts with criminal negligence shall be a Class A misdemeanor.

Texas Family Code, Section 12.04(2):

§ 12.04. Rights, Privileges, Duties, and Powers of Parent

Except as otherwise provided by judicial order or by an affidavit of relinquishment of parental rights

executed under Section 15.03 of this code, the parent of a child has the following rights, privileges, duties, and powers.

* * *

(2) The duty of care, control, protection, moral and religious training, and reasonable discipline of the child;

STATEMENT OF THE CASE

Petitioner, John Michael Teubner was indicted, tried, and convicted in Cause No. 449,601 in the 262nd District Court of Harris County, Texas. Petitioner, Victoria Anita Teubner was indicted, tried, and convicted in Cause No. 449,600 in the 262nd District Court of Harris County, Texas. Each Petitioner was sentenced to the maximum penalty allowed of confinement in the Texas Department of Corrections for ten years and a fine in the amount of Five Thousand Dollars ($5,000.00). Both Petitioners were charged with the same offense, namely injury to a child by infliction of bodily injury as is proscribed by Section 22.04(a)(4) of the Texas Penal Code, and were tried together in a joint proceeding. The indictments in said causes alleged essentially that each Petitioner on September 24, 1985, intentionally and knowingly engaged in conduct that caused bodily injury to a child, namely Sophia Teubner, under the age of 15 years by striking said child with a belt. (R. 449,600-10; R. 449,601-5). The federal question presented for review herein was raised before the Court of Appeals for the Fourteenth Supreme Judicial District of Texas by Petitioner Victoria Anita Teubner in Cause No. 14-86-00445-CR in said Court, and by Petitioner John Michael Teubner in Cause No. 14-86-00446-CR in said Court, both appeals having

been considered together by said Court and ruled upon in the joint opinion heretofore referred to. The federal question presented herein was also presented to the Court of Criminal Appeals of Texas as to each Petitioner by a timely filed Petition for Discretionary Review filed on behalf of each Petitioner, same being denied by the Court of Criminal Appeals of Texas on February 17, 1988 in Cause No. 1310-87 and Cause No. 1311-87, respectively. Appendix, Exhibit B. A full discussion of the evidence presented by the State of Texas at the trial herein is unnecessary in light of the nature of the Petitioners' contention herein with the exception of the following considerations. The primary evidence offered by the State of Texas was the undisputed testimony of the Complainant, Sophia Teubner, (Statement of Facts, Vol. 4, Pages 8-88), which established that Petitioner John Michael Teubner was the natural father of the Complainant and that Petitioner Victoria Anita Teubner was the step-mother of the Complainant at the time of the offense, and that the Complainant was living with both Petitioners at the time of the offense. The testimony of the Complainant further established that over a two day period the Petitioners inflicted "bodily injury" upon the Complainant as said term is defined by Section 1.07 (a)(7) of the Texas Penal Code by inflicting bodily pain by striking the Complainant upon the buttocks with a belt some one hundred to two hundred (100 to 200) times over said period. The spankings administered to the Complainant by the Petitioners resulted in bruising, but there was no evidence of any other type of injury. The injuries suffered by the Complainant did not amount to "serious bodily injury" as said term is defined in Section 1.07(a)(34) of the Texas Penal Code in the

sense that there was no evidence of any injury that created a substantial risk of death, caused serious permanent disfigurement, or caused the protracted loss or impairment of the function of any bodily member or organ. Had "serious bodily injury" as heretofore defined resulted, the Petitioners most likely would have been prosecuted for injury to a child by infliction of serious bodily injury as is proscribed by Section 22.04(a)(1) of the Texas Penal Code, which would have the effect of making the offense a first degree felony under Texas law rather than a third degree felony. It should be noted that Section 22.04 of the Texas Penal Code, dealing with injury to a child or an elderly individual, does not make any exception within its terms for a parent or person acting in place of a parent.

REASON FOR GRANTING THE WRIT

WHETHER SECTION 22.04(a)(4) OF THE TEXAS PENAL CODE, WHICH DEFINES THE OFFENSE OF INJURY TO A CHILD BY INFLICTION "BODILY INJURY," WHICH IN TURN UNDER SECTION 1.07 (a)(7) OF THE TEXAS PENAL CODE "MEANS *PHYSICAL PAIN*, ILLNESS, OR ANY IMPAIRMENT OF PHYSICAL CONDITION," IS AS APPLIED TO A PARENT OR PERSON ACTING IN PLACE OF A PARENT WHO ADMINISTERS CORPORAL PUNISHMENT TO A CHILD UNCONSTITUTIONAL AS IN VIOLATION OF THE FAIR NOTICE REQUIREMENTS OF DUE PROCESS OF LAW AS GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

As heretofore stated, the evidence showed that Petitioner John Michael Teubner is the natural father of the

Complainant, Sophia Teubner, and that Petitioner Victoria Anita Teubner is the step-mother of the Complainant. Both Petitioners in this regard under Texas law are guaranteed certain rights, privileges, duties, and powers as parents of the Complainant. In this regard, Section 12.04(2) of the Family Code of the State of Texas allows a parent "the duty of care, control, protection, moral and religious training, and reasonable discipline of the child." Further, Section 9.61 of the Texas Penal Code provides the following with regard to the parent-child relationship:

> (a) The use of force, but not deadly force, against a child younger than 18 years is justified:
>
> (1) if the actor is the child's parent or stepparent or is acting in loco parentis to the child;
>
> (2) when and to the degree the actor reasonably believes the force is necessary to discipline the child or to safeguard or promote his welfare.
>
> (b) For purposes of this section, "in loco parentis" includes grandparents and guardian, any person acting by, through, or under the direction of a court with jurisdiction over the child, and anyone who has express or implied consent of the parent or parents. Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1.

Reasonable discipline of a child in the context of the aforementioned statutes allow for the use of force where necessary or the infliction of corporal punishment upon the child. Corporal punishment by definition necessarily involves the infliction of pain upon another. Section

22.04(a)(4) of the Texas Penal Code, the statute under which Petitioners were convicted, defines the offense of injury to a child as follows:

> (a) "a person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that causes to a child who is 14 years of age or younger or to an individual who is 65 years of age or older:
>
> * * *
>
> (4) bodily injury."

In connection with Section 22.04(a)(4) of the Texas Penal Code no exemption or distinguishing definition is made with respect to the proscribed conduct vis-a-vis a parent or person entitled to act as a parent. In this regard, "bodily injury" is defined by Section 1.07(a)(7) of the Texas Penal Code as follows:

> " 'bodily injury' means *physical pain*, illness or any impairment of physical condition." [Emphasis supplied.]

Serious bodily injury, on the other hand, is defined by Section 1.07(a)(34) of the Texas Penal Code as follows:

> "(34) 'serious bodily injury' means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ."

Infliction of corporal punishment by a parent would necessarily involve infliction of physical pain and thus "bodily injury" as said term is used in the context of

Section 22.04(a)(4) of the Texas Penal Code. In the context of a parent or person lawfully empowered to act in place of a parent, Section 22.04(a)(4) of the Penal Code insofar as it defines the offense of injury to a child by infliction of "bodily injury" or physical pain does not describe with sufficient particularity in the sense of infliction "bodily injury" upon a child the precise conduct on the part of a parent or person acting in place thereof which could be construed to be in violation of said penal statute. Certainly, "reasonable people" could reach vastly different conclusions over the question of to what degree infliction of mere physical pain upon a child would constitute reasonable discipline. For example, one to two hundred swats with a belt, lightly administered, might cause less damage and physical pain than ten swats with a heavy paddle, and bruising might result in either instance. There was in the instant case no evidence of the relative power behind each of the swats with the belt, other than bruising resulted. The Texas statutes heretofore referred to empowering a parent to use force or inflict corporal punishment upon a child are not drafted in the context of a "reasonable man" standard or what an ordinary reasonable and prudent person would do under similar circumstances, but are drafted in terms of what the actor personally believes to be reasonable under the circumstances. The effect of the language of Section 22.04(a)(4) of the Texas Penal Code is that a parent or person acting in place thereof must necessarily guess at what degree of infliction of physical pain, short of infliction of serious bodily injury, is proscribed. Additionally, the finder of fact, be it the Court or a jury, is not in the context of said statute provided with any guidelines as to what degree of in-

fliction of corporal punishment, short of the infliction of serious bodily injury, as said term is defined, would be proscribed, with the result that the factual determination of the question would be based upon an arbitrary conclusion on the part of the trier of fact. Insofar as Section 22.04(a)(4) of the Texas Penal Code proscribes conduct which is otherwise authorized by Section 12.04 (2) of the Texas Family Code and Section 9.61 of the Texas Penal Code, it would appear that such conflict would in and of itself cause Section 22.04(a)(4) of the Texas Penal Code to be as applied to a parent or person acting in the place thereof unconstitutional in violation of the due process clause of the Fourteenth Amendment to the United States Constitution. See in this regard: *Raley v. Ohio,* 360 U.S. 423, 3 L.Ed.2d 1344, 79 S. Ct. 1257 (1959). Nevertheless, the general rule in this regard is that a statute is void for vagueness if it fails to give a person of ordinary intelligence notice that his conduct or contemplated conduct is forbidden by statute, or if the statute by its wording and vagueness necessarily encourages arbitrary and erratic convictions or arrests. See in this regard: *Giaccio v. Pennsylvania,* 382 U.S. 399, 15 L.Ed.2d 447, 86 S. Ct. 518 (1965); *Bouie v. Columbia,* 378 U.S. 347, 12 L.Ed.2d 894, 84 S. Ct. 1697 (1964); *Wright v. Georgia,* 373 U.S. 284, 10 L.Ed.2d 349, 83 S. Ct. 1240 (1963); *United States v. Harriss,* 347 U.S. 612, 98 L.Ed. 989, 74 S. Ct. 808 (1954); *United States v. Cardiff,* 344 U.S. 174, 97 L.Ed. 200, 73 S. Ct. 189 (1952). In the context of a parent or one acting in the place thereof inflicting pain and therefore "bodily injury" upon a child in a course of administering corporal punishment, Section 22.04(a)(4) of the Texas Penal Code does not give such person

reasonable notice of the exact conduct which is proscribed in the sense of infliction of "bodily injury". Moreover, application of the statute in question would leave the trier of fact free to apply its own standard of whether conduct is "reasonable" or "excessive" in the context of disciplining a child without sufficient statutory guidelines as to what conduct on the part of a parent or person acting in place thereof constitutes an offense. Moreover, a parent or person acting in the place thereof administering corporal punishment as proscribed by Section 22.04 (a)(4) of the Texas Penal Code would necessarily be placed in a position of having to guess what degree of infliction of pain would constitute a proscribed instance of conduct in violation of the statute, with the result that insofar as said statute is applied to a parent, it must be necessarily deemed unconstitutionally vague because persons of ordinary intelligence might reasonably differ as to what conduct or degree thereof is proscribed by said statute. It is therefore submitted that Section 22.04(a)(4) of the Texas Penal Code is void for vagueness under the fair notice requirement of due process of law guaranteed by the Fourteenth Amendment to the United States Constitution as applied to a parent or person acting in the place of a parent, and that this Honorable Court should accordingly declare said statute unconstitutional as in violation of the requirements of due process of law guaranteed under the Fourteenth Amendment to the United States Constitution in that context.

CONCLUSION

For these reasons a writ of certiorari should issue to review the judgment and opinion of the Court of Appeals for the Fourteenth Supreme Judicial District of Texas.

Respectfully submitted,

DONALD W. ROGERS, JR.
770 South Post Oak Lane
Suite 620
Houston, Texas 77056
(713) 236-1276

Attorney for Petitioner

CERTIFICATION

I, Donald W. Rogers, Jr., hereby certify that three true and correct copies of this Petition were mailed, postage prepaid, to Hon. Jim Mattox, Attorney General of Texas, Supreme Court Building, Austin, Texas 78711, on this the _____ day of April, 1988.

DONALD W. ROGERS, JR.

APPENDIX

EXHIBIT A

OCTOBER 29, 1987.

JUDGMENT

FOURTEENTH COURT OF APPEALS

NO. A14-86-445-CR
A14-86-446-CR

VICTORIA ANITA TUEBNER, Appellant

and

JOHN MICHAEL TUEBNER, Appellant

v.

THE STATE OF TEXAS, Appellee

This cause came on to be heard on the transcript of the record of the court below, and the same being considered, because it is the opinion of this Court that there was no error in the judgment, it is ordered by the Court that the judgment be in all things affirmed, and that the appellant pay all costs in this behalf expended, and that this decision be certified below for observance.

Affirmed and Opinion filed October 29, 1987.

In The
FOURTEENTH COURT OF APPEALS

NO. A14-86-445-CR

VICTORIA ANITA TEUBNER, Appellant

v.

THE STATE OF TEXAS, Appellee

On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 449,600

No. A14-86-446-CR

JOHN MICHAEL TEUBNER, Appellant

v.

THE STATE OF TEXAS, Appellee

On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 449,601

O P I N I O N

Appellants appeal their convictions for bodily injury to a child. Both appellants were charged with the same

offense and tried jointly. Their appeals are considered together.

John and Victoria Teubner were indicted and pled not guilty to the charge of bodily injury to a child. A jury found them guilty, and the court assessed punishment at ten years confinement and a $5,000 fine for each appellant. Appellants appeal from their convictions. We affirm.

The trial evidence showed that the appellants, the victim's father and stepmother, subjected the victim, an eleven-year-old girl, to be series of severe beatings with a leather belt.

The appellants' first point of error contends that the trial court erred in denying each appellant the right to have a jury assess punishment, pursuant to article 37.07, section 2(b) of the Texas Code of Criminal Procedure.

It is the trial judge's responsibility to assess punishment following a guilty verdict by a jury, unless a defendant files a motion for probation before the trial begins or the defendant elects in writing to have the jury assess punishment. *Toney v. State,* 586 S.W.2d 856, 858 (Tex. Crim. App. [Panel Op.] 1979). The written election must be made "before the commencement of the voir dire examination of the jury panel." Tex. Code Crim. Proc. Ann. art. 37.07 § 2(b) (Vernon 1981 & Supp. 1987). This is a change from the former language of section 2(b), which stated that the election had to be made at the time the defendant entered his plea in open court.

The record shows that appellants' election for jury punishment was not filed until after the jury was selected, and both appellants had pled not guilty. Therefore, it

was not timely, and the trial court properly assessed punishment.

Appellants urge this court to follow the holding of the First Court of Appeals in *Pace v. State*, 630 S.W.2d 765 (Tex. App.—Houston [1st Dist.] 1982, pet. dism'd). *Pace* held that the filing of a written election immediately following the defendant's plea before the jury satisfied article 37.07, and entitled the defendant to jury punishment. We note that *Pace* was decided under the former article 37.07, and is not applicable to the present case. The language of article 37.07 now states clearly that a defendant must elect jury punishment before jury voir dire. Appellants' first point of error is overruled.

In appellants' second point of error, they claim that the injury to a child statute, Texas Penal Code section 22.04, violates the fair notice requirements of due process, as guaranteed by the Fourteenth Amendment to the United States Constitution and article 1, section 10 of the Texas Constitution.

Appellants base this claim on their belief that section 22.04 does not give a parent or person acting in place of a parent reasonable notice of the exact conduct or degree of conduct constituting "serious bodily injury" under the statute, and is therefore void for vagueness. Appellants fear that the statute as written will leave the trier of fact free to apply its own standard of "reasonable" or "excessive" conduct. We disagree.

The Penal Code defines "bodily" injury as "physical pain, illness, or any impairment of physical condition." Tex. Penal Code Ann. § 1.07(a)(7) (Vernon 1974). As common sense and childhood memory teaches, spanking involves some degree of physical pain. However, the

Penal Code limits the degree of force a parent or step-parent may use against a child to that which is reasonably believed "necessary to discipline the child or to safeguard or promote his welfare." Tex. Penal Code Ann. § 9.61(a) (Vernon 1974).

The various sections of the Penal Code do not stand in isolation, but are part of an integrated statute. It is presumed that the appellants were aware of all provisions of the Penal Code which were in effect at the time of the offense. Tex. Penal Code Ann. § 8.03(a) (Vernon 1974).

Moreover, in previous cases, the courts have upheld Penal Code section 22.04 where it has been attacked as unconstitutionally vague. *See, e.g., Phillips v. State,* 588 S.W.2d 378 (Tex. Crim. App. 1979); *Nabors v. State,* 508 S.W.2d 650 (Tex. Crim. App. 1974).

Texas Penal Code section 9.61 permits the use of force against a child under a "reasonable belief" standard. However, force going beyond that which is necessary for discipline is prohibited. The question in this case is whether the appellants reasonably believed their use of force was necessary to discipline their child.

From the evidence presented, no reasonable person could possibly believe the conduct was justifiable. The child was subjected to a savage beating with a leather belt on two successive nights. On the first night, Victoria Teubner took over the whipping when her husband tired himself. On the second night, they gagged their daughter to stifle her crying. The photographs admitted into evidence offer a grim record of the effects of the beating. The appellants could not have reasonably believed that

the degree of force used was necessary for disciplinary purposes. Appellants' second point of error is overruled.

The judgment of the trial court is affirmed.

/s/ BILL CANNON
Justice

Judgment rendered and Opinion filed October 29, 1987.

Panel consists of Chief Justice J. Curtiss Brown and Justices Robertson and Cannon.

Publish. Tex. R. App. P. 90.

EXHIBIT B

OFFICIAL NOTICE

COURT OF CRIMINAL APPEALS

RE: Case No. 1310-87

STYLE: Teubner, Victoria Anita

December 10, 1987

I have this day received and filed the Appellant's petition for discretionary review.

COA#: 14-86-00445-CR Thomas Lowe, Clerk

Court of Criminal Appeals
P. O. Box 12308, Capital Station
Austin, Texas 78711

Mail To:

Donald W. Rogers, Jr.
Lyric Office Centre
440 Louisiana, Suite 1875
Houston, TX 77002

OFFICIAL NOTICE

COURT OF CRIMINAL APPEALS

RE: Case No. 1310-87

STYLE: Teubner, Victoria Anita

February 17, 1988

On this day, the Appellant's Petition for Discretionary Review has been REFUSED.

COA#: 14-86-00445-CR Thomas Lowe, Clerk

Court of Criminal Appeals
P. O. Box 12308, Capital Station
Austin, Texas 78711

Mail To:

Donald W. Rogers, Jr.
Lyric Office Centre
440 Louisiana, Suite 1875
Houston, TX 77002

OFFICIAL NOTICE

COURT OF CRIMINAL APPEALS

RE: Case No. 1311-87

STYLE: Teubner, John Michael

December 10, 1987

I have this day received and filed the Appellant's petition for discretionary review.

COA#: 14-86-00446-CR Thomas Lowe, Clerk

Court of Criminal Appeals
P. O. Box 12308, Capital Station
Austin, Texas 78711

Mail To:

Donald W. Rogers, Jr.
Lyric Office Centre
440 Louisiana, Suite 1875
Houston, TX 77002

OFFICIAL NOTICE

COURT OF CRIMINAL APPEALS

RE: Case No. 1311-87

STYLE: Teubner, John Michael

February 17, 1988

On this day, the Appellant's Petition for Discretionary Review has been REFUSED.

COA#: 14-86-00446-CR Thomas Lowe, Clerk

Court of Criminal Appeals
P. O. Box 12308, Capital Station
Austin, Texas 78711

Mail To:

Donald W. Rogers, Jr.
Lyric Office Centre
440 Louisiana, Suite 1875
Houston, TX 77002